

[COMMITTEE PRINT]

(SHOWING THE TEXT OF THE BILL AS APPROVED BY THE SUBCOMMITTEE
ON COMMERCE, TRADE AND CONSUMER PROTECTION, OCTOBER 23, 2007)

110TH CONGRESS
1ST SESSION

H. R. 2601

To extend the authority of the Federal Trade Commission to collect fees to administer and enforce the provisions relating to the “Do-not-call” registry of the Telemarketing Sales Rule.

IN THE HOUSE OF REPRESENTATIVES

JUNE 6, 2007

Mr. STEARNS (for himself, Mr. DINGELL, Mr. BARTON of Texas, Mr. PITTS, Mr. RUSH, Mr. PICKERING, and Mr. BURGESS) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To extend the authority of the Federal Trade Commission to collect fees to administer and enforce the provisions relating to the “Do-not-call” registry of the Telemarketing Sales Rule.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Do-Not-Call Registry
5 Fee Extension Act of 2007”.

1 **SEC. 2. FEES FOR ACCESS TO REGISTRY.**

2 Section 2, of the Do-Not-Call Implementation Act
3 (15 U.S.C. 6101 note) is amended to read as follows:

4 **“SEC. 2. TELEMARKETING SALES RULE; DO-NOT-CALL REG-**
5 **ISTRY FEES.**

6 “(a) IN GENERAL.—The Federal Trade Commission
7 shall assess and collect an annual fee pursuant to this sec-
8 tion in order to implement and enforce the ‘do-not-call’
9 registry as provided for in section 310.4(b)(1)(iii) of title
10 16, Code of Federal Regulations, or any other regulation
11 issued by the Commission under section 3 of the Tele-
12 marketing and Consumer Fraud and Abuse Prevention
13 Act (15 U.S.C. 6102).

14 “(b) ANNUAL FEES.—

15 “(1) IN GENERAL.—The Commission shall
16 charge each person who accesses the ‘do-not-call’
17 registry an annual fee that is equal to the lesser
18 of—

19 “(A) \$54 for each area code of data
20 accessed from the registry; or

21 “(B) \$14,850 for access to every area code
22 of data contained in the registry.

23 “(2) EXCEPTION.—The Commission shall not
24 charge a fee to any person—

25 “(A) for accessing the first 5 area codes of
26 data; or

1 “(B) for accessing area codes of data in
2 the registry if the person is permitted to access,
3 but is not required to access, the ‘do-not-call’
4 registry under section 310 of title 16, Code of
5 Federal Regulations, section 64.1200 of title
6 47, Code of Federal Regulations, or any other
7 Federal regulation or law.

8 “(3) DURATION OF ACCESS.—

9 “(A) IN GENERAL.—The Commission shall
10 allow each person who pays the annual fee de-
11 scribed in paragraph (1), each person excepted
12 under paragraph (2) from paying the annual
13 fee, and each person excepted from paying an
14 annual fee under section 310.4(b)(1)(iii)(B) of
15 title 16, Code of Federal Regulations, to access
16 the area codes of data in the ‘do-not-call’ reg-
17 istry for which the person has paid during that
18 person’s annual period.

19 “(B) ANNUAL PERIOD.—In this para-
20 graph, the term ‘annual period’ means the 12-
21 month period beginning on the first day of the
22 month in which a person pays the fee described
23 in paragraph (1).

24 “(c) ADDITIONAL FEES.—

1 “(1) IN GENERAL.—The Commission shall
2 charge a person required to pay an annual fee under
3 subsection (b) an additional fee for each additional
4 area code of data the person wishes to access during
5 that person’s annual period.

6 “(2) RATES.—For each additional area code of
7 data to be accessed during the person’s annual pe-
8 riod, the Commission shall charge—

9 “(A) \$54 for access to such data if access
10 to the area code of data is first requested dur-
11 ing the first 6 months of the person’s annual
12 period; or

13 “(B) \$27 for access to such data if access
14 to the area code of data is first requested after
15 the first 6 months of the person’s annual pe-
16 riod.

17 “(d) ADJUSTMENT OF FEES.—

18 “(1) IN GENERAL.—

19 “(A) FISCAL YEAR 2009.—The dollar
20 amount described in subsection (b) or (c) is the
21 amount to be charged for fiscal year 2009.

22 “(B) FISCAL YEARS AFTER 2009.—For
23 each fiscal year beginning after fiscal year
24 2009, each dollar amount in subsection (b)(1)

1 and (c)(2) shall be increased by an amount
2 equal to—

3 “(i) the dollar amount in paragraph
4 (b)(1) or (c)(2), whichever is applicable,
5 multiplied by

6 “(ii) the percentage (if any) by which
7 the CPI for the most recently ended 12-
8 month period ending on June 30 exceeds
9 the baseline CPI.

10 “(2) ROUNDING.—Any increase under subpara-
11 graph (B) shall be rounded to the nearest dollar.

12 “(3) CHANGES LESS THAN 1 PERCENT.—The
13 Commission shall not adjust the fees under this sec-
14 tion if the change in the CPI is less than 1 percent.

15 “(4) PUBLICATION.—Not later than September
16 1 of each year the Commission shall publish in the
17 Federal Register the adjustments to the applicable
18 fees, if any, made under this subsection.

19 “(5) DEFINITIONS.—In this subsection:

20 “(A) CPI.—The term ‘CPI’ means the av-
21 erage of the monthly consumer price index (for
22 all urban consumers published by the Depart-
23 ment of Labor).

1 “(B) BASELINE CPI.—The term ‘baseline
2 CPI’ means the CPI for the 12-month period
3 ending June 30, 2008.

4 “(e) PROHIBITION AGAINST FEE SHARING.—No per-
5 son may enter into or participate in an arrangement (as
6 such term is used in section 310.8(c) of the Commission’s
7 regulations (16 C.F.R. 310.8(c))) to share any fee re-
8 quired by subsection (b) or (c), including any arrangement
9 to divide the costs to access the registry among various
10 clients of a telemarketer or service provider.

11 “(f) HANDLING OF FEES.—

12 “(1) IN GENERAL.—The commission shall de-
13 posit and credit as offsetting collections any fee col-
14 lected under this section in the account ‘Federal
15 Trade Commission—Salaries and Expenses’, and
16 such sums shall remain available until expended.

17 “(2) LIMITATION.—No amount shall be col-
18 lected as a fee under this section for any fiscal year
19 except to the extent provided in advance by appro-
20 priations Acts.”.

21 **SEC. 3. REPORT.**

22 Section 4 of the Do-Not-Call Implementation Act (15
23 U.S.C. 6101 note) is amended to read as follows:

1 **“SEC. 4. REPORTING REQUIREMENTS.**

2 “(a) BIENNIAL REPORTS.—Not later than December
3 31, 2009, and biennially thereafter, the Federal Trade
4 Commission, in consultation with the Federal Communica-
5 tions Commission, shall transmit a report to the Senate
6 Committee on Commerce, Science, and Transportation
7 and the House of Representatives Committee on Energy
8 and Commerce that includes—

9 “(1) the number of consumers who have placed
10 their telephone numbers on the registry;

11 “(2) the number of persons paying fees for ac-
12 cess to the registry and the amount of such fees;

13 “(3) the impact on the ‘do-not-call’ registry
14 of—

15 “(A) the 5-year reregistration requirement;

16 “(B) new telecommunications technology;
17 and

18 “(C) number portability and abandoned
19 telephone numbers; and

20 “(4) the impact of the established business rela-
21 tionship exception on businesses and consumers.

22 “(b) ADDITIONAL REPORT.—Not later than Decem-
23 ber 31, 2009, the Federal Trade Commission, in consulta-
24 tion with the Federal Communications Commission, shall
25 transmit a report to the Senate Committee on Commerce,
26 Science, and Transportation and the House of Represent-

1 atives Committee on Energy and Commerce that in-
2 cludes—

3 “(1) the effectiveness of do-not-call outreach
4 and enforcement efforts with regard to senior citi-
5 zens and immigrant communities;

6 “(2) the impact of the exceptions to the do-not-
7 call registry on businesses and consumers, including
8 an analysis of the effectiveness of the registry and
9 consumer perceptions of the registry’s effectiveness;
10 and

11 “(3) the impact of abandoned calls made by
12 predictive dialing devices on do-not-call enforce-
13 ment.”.

14 **SEC. 4. RULEMAKING.**

15 The Federal Trade Commission may issue rules, in
16 accordance with section 553 of title 5, United States Code,
17 as necessary and appropriate to carry out the amendments
18 to the Do-Not-Call Implementation Act (15 U.S.C. 6101
19 note) made by this Act.